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Remarks/Arguments

Claims 1 - 20 are currently pending in the application. Claims 1, 2, 7, 9, 11, 12, 16, 18, 20 have herein been amended and are fully supported by the specification. Applicant has amended the claims to clarify the claim language. No new matter has been added to the prosecution of this application. For at least the reasons stated below, Applicant asserts that all claims are now in condition for allowance.

**1. 35 U.S.C. § 102 Rejections**

Claims 1, 2, 4-6, 9-12, 14, 15, and 18-20 have been rejected under 35 U.S.C. § 102 as being anticipated by Lawlor (US Patent 6,202,054). Applicant respectfully opposes these rejections. Applicant asserts that not every element of every claim is taught by the reference.

The present invention generally provides for using two computers to create a customer profile and an account as a part of an on-line banking activity, including the following generalized elements:

- (a) receiving an application from a customer;
- (b) utilizing a first computer to create a profile for the customer;
- (c) utilizing the first computer to create an account for the customer;
- (d) transmitting profile and account information from the first computer to a second computer;
- (e) generating an account notification utilizing the second computer; and
- (f) transmitting the notification from the second computer to the customer utilizing a network.

The Examiner points to Figures 1, 1A, 2 and 10, columns 51 and 52, and the Appendix in Lawlor to support his assertion that Lawlor teaches the elements of Applicants' independent claims. Lawlor does not teach using two computers to create a customer profile and account (as is taught by Applicants' application), but rather teaches the use of a terminal to act like an ATM in order to access customer bank accounts that already exist. Each of the figures and columns generally referenced by the Examiner will now be discussed.

Figures 1 and 1A do indeed show a plurality of remote terminals 54 as the Examiner has stated. Each of these terminals, however, are used by individual customers in their homes to process their banking needs. (See col. 22, lines 10 - 22) Each customer uses his

or her own remote terminal 54 "to interface with the remainder of the system 50" (col. 17, lines 29 and 30), including the central computer 52 which itself "interfaces with banking institutions and with other financial institutions through the existing conventional ATM network" (col. 17, lines 38 - 40). Thus, while figures 1 and 1A arguably teach a series of computers (but remote terminals 54 do not appear to have much computing power, and are more like thin-clients), the figures and the rest of Lawlor do not teach a first computer that creates a profile and an account, and a second computer that receives the new profile and account information from the first computer before sending an account notification message to the customer.

Figure 2 shows the relationship in which users, payees, clearing banks, advertisers and banks all access the service provider system of the Lawlor invention. This figure does not teach a system of creating profiles and accounts and then notifying the customer via a second computer of the creation of the accounts.

Figure 10 shows a flow chart of the start routine that is executed when a customer uses one of the remote terminals from his or her home to access the central computer. (See col. 34, lines 55 - 62). As shown in figure 10, the home user is shown a listing of user names to choose from, then a listing of already created accounts to choose from. Once the desired account is selected, the home user must enter a PIN. Then an advertisement may be shown to the home user. As Lawlor discusses, its home-based terminals act like a traditional ATM. Thus, Lawlor does not teach the creation of profiles and accounts and the notification of the user of such creation.

Columns 51 and 52 discuss how after the user has made a transaction with the remote terminal, the user can choose to access another of his or her already existing accounts to perform another transaction. Nothing in columns 51 and 52 discuss the creation of a profile and an account and the notification of the user of such creation.

The appendix (shown in columns 51 through 67) shows an example transaction between a user and his/her remote terminal. Once a welcome screen is displayed, the user chooses his name (i.e., "Harry"), then chooses his already existing account (i.e., "checking"), then enters his PIN. A "loan sale" advertisement is displayed. Then, as shown in column 53, Harry may choose from 4 activities, namely:

- (1) pay bills;
- (2) transfer funds (from one account to another account);

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- (3) get account information; or
- (4) exit account.

None of these four activities are used to create a customer profile and customer account and to notify the user of such creation.

Thus, the sections relied upon by the Examiner do not teach any type of profile and account creation by a first computer and then an account notification message sent by a second computer. Because not every element of these three independent claims (1, 11 and 20) is taught by the Lawlor reference, the Examiner's § 102 rejections are unsupported by the Lawlor art and should be withdrawn.

As claims 2-10 and 12-19 are dependent claims from 1, 11 or 20, they likewise are not taught by the Lawlor reference and their § 102 rejections should be withdrawn.

## **2. 35 U.S.C. § 103 Rejections**

Claims 3, 7-8, 13, 16 and 17 have been rejected under 35 U.S.C. § 103 as being unpatentable over Lawlor (US Patent 6,202,054) in view of Pepe (US Patent 5,742,905). Applicants respectfully oppose these rejections.

The Pepe reference teaches a "network subscriber with the ability to remotely control the receipt and delivery of wireless and wireline voice and text messages" (See, abstract). The Examiner relies on the Pepe reference's teaching of a fax/printer coupled to a network and a means to communicate via email. Regardless of these components, as discussed above, Lawlor fails to teach the elements required by the independent claims. Lawlor and Pepe in combination also fail to teach each and every element of the independent claims (and therefore the dependent claims as well). Therefore, Applicants respectfully request that the Examiner's §103 rejections also be withdrawn.

## **3. Conclusion**

Applicant submits that all pending claims are allowable over the art of record and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7508. If any fees are due in connection with the

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filing of this paper, then the Commissioner is authorized to charge such fees including fees  
for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-369201).

Respectfully submitted,



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